IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

MACA.No. 1057 of 2005()

OPMV.3607/1996 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM
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: APPELLANT/CLAIMANT IN OP(MV)NO.3607/96

V.M.BABU @ ANTONY, AGED 33 YEARS,
S/O.MICHAEL, VALIYAVEETTIL HOUSE, EAST OF
ST. JOSEPH'S CHRUCH, KUMBALANGHI P.O.,
COCHIN-7.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS: RESPONDENT NO.1 TO 3 IN OP(MV)3607/96.
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1. C.D.ANEESH, S/O.DASAN,
CHAKKANATTU PADIKKAL HOUSE, NAMBIAPURAM,
PALLURUTHY, COCHIN-6.

2. KURIAN, S/O.JOHN, AATTUMALIL HOUSE,
EAST OF CONVENT SCHOOL, VENGANELLOOR KARA,
CHALAKKARA VILLAGE, THRISSUR DISTRICT.

3. NATIONAL INSURANCE COMPANY LTD.,
BY ITS REGIONAL MANAGER, REGIONAL OFFICE,
MUTHOOT TOWERS, M.G.ROAD, KOCHI-35.

BY ADV. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S. Radhakrishnan &
T.R. Ramachandran Nair, JJ.

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C.M.Appl.1468 of 2005 &
M.A.C.A.NO.1057 of 2005

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Dated this the 7th day of December, 2007

JUDGMENT

Radhakrishnan, J.

There is a delay of 1739 days in filing the appeal. It is stated in paragraph 4 of the affidavit that the petitioner was under the impression that only after receiving the award amount in full, he will be able to file an appeal. So, he did not enquire about the certified copies nor discussed with the advocate. The reasons stated are not convincing, to condone the delay of 1739 days. A counter affidavit has been filed on behalf of the insurance company. Since no convincing reasons are stated to condone the delay, we are not inclined to allow the application. Hence, the petition for condonation of delay is dismissed. Consequently, the appeal is also dismissed.

(K.S. Radhakrishnan, Judge.)

(T.R. Ramachandran Nair, Judge.)

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